

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
(Harrisonburg Division)**

**JOHN DOE,**

**Plaintiff,**

**v.**

**JONATHAN ALGER, President of  
James Madison University, in his  
official capacity**

**and**

**MARK J. WARNER, Sr. Vice  
President of Student Affair and  
University Planning, in his  
official capacity,**

**Defendants.**

**Case No. 5:15-CV-00035**

**MOTION TO DISMISS**

Defendants Jonathan R. Alger (“Alger”) and Mark J. Warner (“Warner”), by counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that this Court dismiss the Complaint in this matter with prejudice. The points and authorities upon which the defendants base this request are set forth in the supporting memorandum, filed this day.

Respectfully Submitted,

JONATHAN ALGER &

MARK J. WARNER

By: /s/  
Counsel

The Honorable Mark R. Herring  
Attorney General of Virginia

Cynthia E. Hudson  
Chief Deputy Attorney General

Rhodes B. Ritenour  
Deputy Attorney General  
Civil Litigation Division

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\* *Counsel of Record*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 1st day of June, 2015, I filed a copy of the foregoing document using the Court's ECM/ECF filing system, which will send an electronic notification of the same (NEF) to counsel of record for the plaintiff:

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I further certify that, on this 1st day of June, 2015, I have sent via electronic mail a copy of the foregoing document to the following counsel:

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*Counsel for the Plaintiff*

/s/

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